



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

NOVEMBER 20, 2006

Commissioner Joe Ford, Chairman
Commissioner David Lillard, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

2:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff Orlando Freeman

INVOCATION Dr. Gale Kennebrew
Covenant United Church of Christ
South Holland, Illinois

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

MULROY November 1, 2006
ADOPTED November 6, 2006

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

BROOKS 1. Resolution commending Reverend Dr. Gale Francine
ADOPTED Kennebrew.

Ordinances

FLINN 2. ORDINANCE - FIRST READING – An Ordinance by the
APPROVED Board of Commissioners for Shelby County, Tennessee,
to amend Chapter 14.5 of the Code of Shelby County to
retain the same annual emission fee amount for the
calendar year 2005.

Zoning and Subdivisions

**MULROY
ADOPTED
(A)**

3. Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**MALONE
(DEFERRED
TO 12/04/06)**

4. Resolution approving the contract for banking services with Regions Bank for custody and deposit of county funds for the period December 1, 2006 through June 30, 2010.

**MALONE
ADOPTED**

5. Resolution approving the sale of twenty-seven delinquent tax parcels from tax sale (s) 0005, 0101, 0102, 0103, 0104, 17, 40, 53, 54, 85.2, 94.4, 94.5, 96.2, 97.3, 97.4, 98.2, and 99.1 pursuant provisions of the Tennessee Code Annotated 67-5-2507.

**MALONE
(DEFERRED
TO 12/04/06)**

6. Resolution amending Resolution No. 5, adopted September 11, 2006, entitled "Resolution providing for bond amounts and form of surety for the Mayor and certain other appointed county officials".

**MALONE
ADOPTED**

7. Resolution to approve Travel Policy.

**LILLARD
ADOPTED**

8. Resolution approving expenditure of funds by Shelby County Government to H.H. Hooper for the purchase of five hydraulically operated material spreaders in the amount of \$97,640.00.

**FLINN
(DEFERRED
TO 12/04/06)**

9. Resolution requesting that the charter of the MED be amended to add the Chairman of this Commission's Hospitals and Health Committee as an ex-officio non-voting member to the MED's board.

**FLINN
ADOPTED**

10. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2006/2007 operating budget and to appropriate funds in the amount of \$5,154.00 carried forward from FY 2005/2006 in the HIV/AIDS Case Management program.

**CHISM
(REMOVED TO
REGULAR
AGENDA)
ADOPTED**

11. Resolution approving contract between Shelby County Government, on behalf of the Juvenile Court of Memphis and Shelby County, and G4S Justice Services, Inc., in the amount not to exceed \$100,000.00 to provide electronic monitoring of juveniles.

**CHISM
ADOPTED**

12. Resolution approving the establishment of the Area Law Enforcement and Retailer Team (ALERT) and approving the establishment of a special fund to be administered by the Sheriff to handle seized and forfeited funds and property and amending the Shelby County Sheriff's Department FY 2006/2007 Operating Budget.

**CHISM
(REMOVED TO
REGULAR
AGENDA)
ADOPTED**

13. Resolution directing the Shelby County Attorney to provide an opinion to the Board of County Commissioners regarding the legal process for collecting fines for the misuse of the 9-1-1 call system.

**BROOKS
(DEFERRED
TO 12/18/06)**

14. Resolution adopting new rules and regulations and bylaws, including membership requirements, for the new Beer Board; and directing the Shelby County Board of Commissioners to proceed with the appointment of new members to the new Beer Board.

**MULROY
ADOPTED**

15. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 34, Chapter 1, Section 107, relative to guardianships and conservatorships".

**MULROY
ADOPTED**

16. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 33, Chapter 6, Section 502, relative to mental health and developmental disabilities".

**MULROY
ADOPTED**

17. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 5, Chapter 1, Section 118, relative to county powers shared with municipalities".

**MULROY
ADOPTED**

18. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the Tennessee General Assembly to enact legislation providing for reimbursement for the daily costs of housing state prisoners in county jails while they are awaiting probation and parole revocation hearings.

**MULROY
(REMOVED TO
REGULAR
AGENDA)
ADOPTED**

19. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled "An Act to amend Tennessee Code Annotated, Title 40, Chapter 24, Section 105, relative to enforcement of orders in criminal proceedings assessing any fine remaining in default by contempt".

MULROY
(REMOVED TO
REGULAR
AGENDA)
ADOPTED

20. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled “An Act to amend Tennessee Code Annotated, Title 39, Chapter 17, Section 1351, relative to handgun permits”.

MULROY
(REMOVED TO
REGULAR
AGENDA)
ADOPTED

21. Resolution approving proposed legislation and requesting the Shelby County legislative delegation to introduce and support legislative bill entitled “An Act to authorize the legislative body of any county having a population of 800,000 or more according to the 2000 census or any subsequent federal census to increase once each fiscal year any or all county fees charged pursuant to statute, general law or private act based upon a percentage not to exceed the percentage increase in the Consumer Price Index for the preceding fiscal year”.

CHISM
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

BROOKS
ADOPTED

22. Resolution approving the County Mayor’s nomination of William S. Howard, Sr. and Justin G. Mitchell for reappointment to the Shelby County *Conservation Board*.

BROOKS
ADOPTED

23. Resolution approving the county mayor's nomination of Ralph Richardson, Juan R. Self, Kenneth L. Shappley, Jack R. Tickle, and James Toles for reappointment and Carter Hord for appointment to the Memphis and Shelby County *Building Code Board*.

BROOKS
ADOPTED

24. Resolution approving the county mayor's nomination of A.B. Haines, Jr., Chet A. Kibble, Sr., Claud O. McCrory, III, and James V. Weatherington for reappointment to the Memphis and Shelby County *Electrical Code Board*.

BROOKS
ADOPTED

25. Resolution approving the county mayor's nomination of William A. Hartsfield, William J. Jason, and John Saucier for reappointment and Whit Greenway for appointment to the Memphis and Shelby County *Mechanical/Gas Code Board*.

BROOKS
ADOPTED

26. Resolution approving the appointment of Dorothy Grant Johnson, Susan L. Ratner, Katy Spurlock, Bennie Walker, Jose Leon and Dr. Brenda Taylor as community representatives to the *Head Start Policy Council*.

BROOKS

27. Resolution to grant one-time cost of living bonuses

ADOPTED

in November 2006 to certain Plan B retirees.

Ordinances

Zoning and Subdivisions

MULROY
(DEFERRED
TO 12/04/06)

28. CASE NO. P.D. 06-345 CC (Reconsideration)
APPLICANT: HBT Investments, LLC

LOCATION: North side of Holmes Road; ±2,700 feet west of Hacks Cross Road

REQUEST: A planned development to allow one-hundred seventy (170) single family homes with minimum lot sizes of 10,000 square feet in area within the Outline Plan

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(Notice of public hearing re-published in the Daily News on Thursday, November 9, 2006.)

MULROY
ADOPTED

29. CASE NO. S.U.P. 06-220 CC
APPLICANT: T-Mobile, USA, Inc., on behalf of Global Signals, Inc.

LOCATION: North side of Robertson Road; ±900 feet east of Benjestown Road

REQUEST: Increase in the approved height of a monopole cell tower from 150 feet to 160 feet, plus antenna height, to accommodate an additional carrier.

Memphis and Shelby County Office of Planning and Development recommendation:
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:
APPROVAL WITH CONDITIONS

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

Reports and/or Resolutions for Standing Committees

HARVEY

30. Resolution approving retainage of a law firm for the

(DEFERRED
TO 12/04/06)

purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and/or Ellerbe Becket.

CHISM
ADOPTED

- 30A. Resolution rescinding Resolution No. 25 adopted November 6, 2006, entitled “Resolution approving the creation of a Second Division of Juvenile Court of Shelby County, Tennessee and directing the Shelby County Attorney to provide an opinion to the Board of Commissioners regarding the process of implementation”.

Announcements/Statements

31. Notifications from county mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.
- a. Resolution approving the County Mayor’s nomination of Willie Gregory for reappointment to the Memphis and Shelby County *Sports Authority*.
 - b. Resolution approving the County Mayor’s nomination of Cody Childress, Glenn T. Cobb, Thomas H. Lee, Bert L. Poletti, and Steven F. Stachowski for reappointment to the Memphis and Shelby County *Plumbing Code Board*.

Adjournment

CHISM
ADOPTED

32. Resolution of Adjournment to Monday, December 4, 2006, at 2:30 p.m.

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]